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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 JAMES EDWARD CURTIS,
13 Plaintiff,

14 v.

15 TERRY J. BENDA, *et al.*,
16 Defendants.

Case No. C08-5109 FDB/KLS

ORDER DIRECTING
PLAINTIFF TO SUBMIT
SUMMONS AND SERVICE
COPY

17 In reviewing Defendant Riley's response to Plaintiff's motion to amend his complaint, it appears
18 to the Court that Defendant Benda has not been properly served with this lawsuit as he was not served
19 with a summons or a complete copy of the Complaint.¹ Dkt. # 24. As Plaintiff has been granted *in forma*
20 *pauperis* status in this matter, he is entitled to have the summons and complaint served by the U.S.
21 Marshal. Rule 4(c)(3); *Puett v. Blanford*, 912 F.2d 270, 273 (9th Cir. 1990) (citing *Romandette v.*
22 *Weetabix Co.*, 807 F.2d 309, 310 n. 1 (2nd Cir. 1986)).

23 Accordingly, it is **ORDERED**:

- 24 (1) The Clerk of the Court is directed to send an additional service form to Plaintiff; and
25
26 (2) Plaintiff is directed to fill out the service form with the complete address for Defendant
27 Terry Benda and return the service form with a **complete** copy of the Complaint (Dkt. # 4)

28 ¹Plaintiff's motion to amend is not the subject of this Order and the Court will rule on that motion
under separate order. The Complaint referred to in this Order is found at Dkt. # 4.

1 so that the U.S. Marshal may attempt service by mail upon Terry Benda. These documents
2 must be returned on or before **January 2, 2009**, or the Court will recommend dismissal of
3 this action against Defendant Terry Benda for failure to prosecute.

4 DATED this 16th day of December, 2008.

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7 Karen L. Strombom
8 United States Magistrate Judge
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